THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.10173 of 2004

Dt.10.4.2006

Between:

Kesireddy Anitha ...
Petitioner

And

The Municipal Commissioner,
Kukatpally Municipality,
Kukatpally, Ranga Reddy District.
...
Respondent

ORDER:

The petitioner questions the action of the respondent Municipality in demolishing the petitioner's residential complex 'Soubhagya residency' situated in Plot Nos.8 and 9 in Survey No.150 situated at Dayarguda, Musapet Village, Balanagar Mandal, Kukatpally Municipality, Ranga Reddy District as illegal and arbitrary.

The petitioner is the owner of land to an extent of 437 sq.yards in Plot Nos.5-6-48 and 5-6-48/1 in Plot Nos.8 and 9 in Survey No.150 situated at Dayarguda, Musapet Village, Balanagar Mandal, Kukatpally Municipality, Ranga Reddy District. The petitioner entered into an agreement with one Virinchi Constructions for construction of residential flats in the said land. The respondent Municipality has sanctioned permission for construction of residential flats vide proceedings No.G1/392/BA/1003/2003, dt.5.11.2003 and the same is valid upto 4.11.2006. While so, the respondent Municipality by proceedings No.TPS.1/50/UC/2004,

dt.31.1.2004 has issued a show cause notice alleging that the petitioner has violated the sanctioned plan. As the petitioner has not submitted any explanation, the impugned order in proceedings No.TPS.1/150/UC/2003-04, dt.20.2.2004 has been passed calling upon the petitioner to remove the structures made unauthorisedly within three days, failing which appropriate action would be taken.

Heard the learned counsel for the petitioner and the learned Standing Counsel on behalf of the respondent.

Though the writ petition was admitted on 29.6.2004 and records were called for directing the respondent to file counter within two weeks, no counter has been filed in spite of four adjournments.

Having regard to the facts and circumstances of the case, the petitioner is directed to file a fresh representation within one week from the date of receipt of this order for the aforesaid show cause notice as well as the impugned order. On filing such an explanation/ representation, the respondent may consider the same and pass appropriate orders for taking action against the petitioner for removal of the alleged unauthorized constructions.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH, J.

10.4.2006

Note: Issue copy within three days

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